

FISCAL NOTE
SB 113 - HB 725

February 18, 2003

SUMMARY OF BILL: Eliminates the admissibility of evidence regarding voluntary intoxication in criminal cases for the purpose of negating culpable mental state. Currently, evidence may be presented that the intoxication deprived the accused of the mental capacity to form specific intent.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$646,800/Incarceration*

Estimate assumes:

- defendants who may under current law be convicted of a lesser included offense, such as charged with first degree murder but convicted of second degree murder or charged with Class C aggravated assault but convicted of a Class D aggravated assault because the evidence of intoxication negated culpable mental state, would be convicted of the more serious offenses when evidence of voluntary intoxication is not admissible.
- 30 convictions for Class D aggravated assault elevated to convictions for Class C aggravated assault and three convictions for second degree murder elevated to first degree murder.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director